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Philippines: draft resolution

Trafficking in women and girls

The General Assembly,

Reaffirming the principles set forth in the Universal Declaration of Human Rights,[1] the Convention on the Elimination of All Forms of Discrimination against Women,[2] the International Covenants on Human Rights,[3] the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment,[4] the Convention on the Rights of the Child[5] and the Declaration on the Elimination of Violence against Women, [6]

Welcoming the adoption by the General Assembly of the two Optional Protocols to the Convention on the Rights of the Child,[7] in particular the Optional Protocol on the sale of children, child prostitution and child pornography,[8] which entered into force on 18 January 2002,

Welcoming also the adoption by the General Assembly of the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women,[9] which entered into force on 22 December 2000,

Recalling all previous resolutions on the problem of trafficking in women and girls adopted by the General Assembly, the Commission on the Status of Women, the Commission on Human Rights and the Commission on Crime Prevention and Criminal Justice, as well as the Convention for the Suppression of the Traffic in

[1] Resolution 217 A (III).
[2] Resolution 34/180, annex.
[3] Resolution 2200 A (XXI), annex.
[4] Resolution 39/46, annex.
[5] Resolution 44/25, annex.
[6] See resolution 48/104.
[7] See resolution 54/263.
[8] Ibid., annex II.
[9] Resolution 54/4, annex.

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Persons and of the Exploitation of the Prostitution of Others,[10] the conclusions on violence against women adopted on 13 March 1998 by the Commission on the Status of Women at its forty-second session[11] and the recommendations of the Working Group on Contemporary Forms of Slavery[12] adopted on 21 August 1998 by the Subcommission on Prevention of Discrimination and Protection of Minorities[13] at its fiftieth session,

Recalling also the United Nations Millennium Declaration,[14] in particular the resolve expressed by heads of State and Government to intensify efforts to fight transnational organized crime in all its dimensions, including trafficking in human beings,

Reaffirming the outcomes and commitments pertaining to trafficking in women and girls of recent United Nations conferences and summits, including the World Conference on Human Rights,[15] the International Conference on Population and Development,[16] the World Summit for Social Development,[17] the Fourth World Conference on Women[18] and the special session of the General Assembly on children[19] and their follow-up processes,

Acknowledging the inclusion of gender-related crimes in the Rome Statute of the International Criminal Court,[20] which entered into force on 1 July 2002,

Welcoming the entry into force of the United Nations Convention against Transnational Organized Crime[21] on 29 September 2003 and of its Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children[22] on 25 December 2003 and its Protocol against the Smuggling of Migrants by Land, Sea and Air[23] on 28 January 2004,

Recognizing the need to address the impact of globalization on the problem of trafficking in women and children, in particular girls,

Reaffirming that sexual violence and trafficking in women and girls for purposes of economic exploitation, sexual exploitation through prostitution and

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[10] Resolution 317 (IV).

[11] See *Official Records of the Economic and Social Council, 1998, Supplement No. 7* and corrigendum (E/1998/27 and Corr.1), chap. I.

[12] See E/CN.4/1999/4-E/CN.4/Sub.2/1998/45, chap. II, sect. A, resolution 1998/19, and E/CN.4/Sub.2/1998/14, sect. VI.B.

[13] Subsequently renamed the Subcommission on the Promotion and Protection of Human Rights (see Economic and Social Council decision 1999/256).

[14] See resolution 55/2.

[15] A/CONF.157/24 (Part I), chap. III.

[16] *Report of the International Conference on Population and Development, Cairo, 5-13 September 1994* (United Nations publication, Sales No. E.95.XIII.18), chap. I, resolution 1, annex.

[17] *Report of the World Summit for Social Development, Copenhagen, 6-12 March 1995* (United Nations publication, Sales No. E.96.IV.8), chap. I, resolution 1, annexes I and II.

[18] *Report of the Fourth World Conference on Women, Beijing, 4-15 September 1995* (United Nations publication, Sales No. E.96.IV.13), chap. I, resolution 1, annexes I and II.

[19] Resolution S-27/2, annex.

[20] *Official Records of the United Nations Diplomatic Conference of Plenipotentiaries on the Establishment of an International Criminal Court, Rome, 15 June-17 July 1998*, vol. I: *Final documents* (United Nations publications, Sales No. E.02.I.5), sect. A.

[21] Resolution 55/25, annex I.

[22] Ibid., annex II.

[23] Ibid., annex III.

other forms of sexual exploitation and contemporary forms of slavery are serious violations of human rights,

Seriously concerned at the increasing number of women and children from developing countries and from some countries with economies in transition who are being trafficked to developed countries, as well as within and between regions and States, and acknowledging that boys are also victims of trafficking, including for sexual exploitation,

Recognizing that victims of trafficking are particularly exposed to racism, racial discrimination, xenophobia and related intolerance,

Acknowledging that women and children who are victims of trafficking are further disadvantaged and marginalized by a general lack of information or awareness and recognition of their human rights and the fact that they are victims, as well as by the obstacles they meet in gaining access to information and recourse mechanisms in cases of violation of their rights, and that special measures are required for their protection and to increase their awareness,

Recognizing the importance of bilateral, subregional and regional cooperation mechanisms and initiatives of Governments and intergovernmental and non-governmental organizations to address the problem of trafficking in women and children within their region, in particular girls,

Welcoming the efforts of Governments and intergovernmental and non-governmental organizations in developing programmes to combat trafficking in human beings, in particular women and girls,

Acknowledging the work being done by intergovernmental and non-governmental organizations in compiling information on the scale and complexity of the problem of trafficking, in providing protection and assistance for trafficked women and children and in effecting their voluntary return to their countries of origin,

Recognizing that global efforts, including international cooperation and technical assistance programmes, to eradicate trafficking in persons, in particular women and children, demand the strong political commitment and the active cooperation of all Governments of countries of origin, transit and destination,

Recognizing also that a comprehensive and multidisciplinary approach to prevention, healing and reintegration is required and that all actors, including judicial and law enforcement personnel, migration authorities, victims of trafficking and their families, non-governmental organizations and civil society, should collaborate in the development of such an approach,

Deeply concerned about the unabated use of new information technologies, including the Internet, for purposes of exploitation of the prostitution of others and for child pornography, paedophilia and any other forms of sexual exploitation of children, trafficking in women as brides and sex tourism,

Gravely concerned at the increasing activities of transnational criminal organizations and others that profit from international trafficking in women and children without regard to dangerous and inhumane conditions and in flagrant violation of domestic laws and international standards,

Stressing once again the need for Governments to provide standard humanitarian treatment to trafficked persons consistent with human rights standards,

1. *Takes note with appreciation* of the report of the Secretary-General;[24]

2. *Welcomes* the steps taken by human rights treaty bodies, the special rapporteurs and subsidiary bodies of the Commission on Human Rights, the Office of the United Nations High Commissioner for Human Rights, other United Nations bodies and international, intergovernmental and governmental organizations, within their mandates, as well as non-governmental organizations, to address the problem of trafficking in women and girls, and encourages them to continue doing so and to share their knowledge and best practices as widely as possible;

3. *Also welcomes* the adoption by the Economic and Social Council of its decision 2004/228 of 15 June 2004, in which the Council endorsed the appointment, for a period of three years, of a Special Rapporteur whose mandate will focus on the human rights aspects of the victims of trafficking in persons, especially women and children;

4. *Urges* Governments to take appropriate measures to address the root factors, namely poverty and gender inequality, including external factors, that encourage trafficking in women and girls for prostitution and other forms of commercialized sex, forced marriages and forced labour, in order to eliminate trafficking in women, including by strengthening existing legislation with a view to providing better protection of the rights of women and girls and to punishing perpetrators, through both criminal and civil measures;

5. *Also urges* Governments to devise, enforce and strengthen effective measures to combat and eliminate all forms of trafficking in women and girls, particularly for commercialized sexual exploitation, through a comprehensive anti-trafficking strategy consisting of, inter alia, capacity-building, legislative measures, prevention campaigns, information exchange, assistance and protection for and reintegration of the victims and prosecution of all the offenders involved, including intermediaries, and to draw up, as appropriate, national action plans and programmes to improve the protection of trafficked women and girls;

6. *Further urges* Governments to consider signing and ratifying relevant United Nations legal instruments such as the United Nations Convention against Transnational Organized Crime[21] and the Protocols thereto, in particular the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children,[22] the Convention on the Elimination of All Forms of Discrimination against Women[2] and the Convention on the Rights of the Child,[5] the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women[9] and the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography,[8] as well as the Convention concerning Discrimination in respect of Employment and Occupation, 1958 (Convention No. 111) and the Convention concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour, 1999 (Convention No. 182), of the International Labour Organization;

7. *Encourages* Member States to conclude bilateral, subregional, regional and international agreements, as well as to undertake initiatives, including regional

[24] A/59/185 and Corr.1.

initiatives, to address the problem of trafficking in women and girls, such as the Action Plan for the Asia-Pacific region of the Asian Regional Initiative against Trafficking in Persons, Especially Women and Children,[25] the initiatives of the European Union on a comprehensive European policy and programmes on trafficking in human beings, as expressed in the conclusions of the European Council at its meeting held at Tampere, Finland, on 15 and 16 October 1999,[26] and the activities of the Council of Europe, the Organization for Security and Cooperation in Europe and the International Organization for Migration in this field;

8. *Calls upon* all Governments to criminalize trafficking in women and children, in particular girls, in all its forms, in particular trafficking for sexual exploitation, including through sex tourism, to condemn and penalize all those offenders involved, including intermediaries, whether local or foreign, through the competent national authorities, either in the country of origin of the offender or in the country in which the abuse occurs, ensuring that offenders are penalized according to the severity of the offence in accordance with due process of law, while also ensuring that the victims of those practices are not penalized for being trafficked, and to penalize persons in authority found guilty of sexually assaulting victims of trafficking in their custody;

9. *Invites* Governments to consider setting up or strengthening a national coordinating mechanism, for example, a national rapporteur or an inter-agency body, with the participation of civil society, including non-governmental organizations, to encourage the exchange of information and to report on data, root causes, factors and trends in violence against women, in particular trafficking;

10. *Encourages* Governments and relevant United Nations bodies, within existing resources, to take appropriate measures to raise public awareness of the issue of trafficking, particularly in women and girls, as well as the laws, regulations and penalties relating to this issue, including the need to address the demand side of trafficking in women and girls, and to emphasize that trafficking is a crime, in order to eliminate the demand for trafficked women and children, including by sex tourists;

11. *Urges* concerned Governments, in cooperation with intergovernmental and non-governmental organizations, to support and allocate resources for programmes to strengthen preventive action, in particular education and campaigns to increase public awareness of the issue at the national and grass-roots levels;

12. *Calls upon* concerned Governments to allocate resources, as appropriate, to provide comprehensive programmes for the physical, psychological and social recovery of victims of trafficking, including through job training, legal assistance and health care, and by taking measures to cooperate with non-governmental organizations to provide for the social, medical and psychological care of the victims;

13. *Encourages* Governments, in cooperation with intergovernmental and non-governmental organizations, to undertake campaigns aimed at clarifying opportunities, limitations and rights in the event of migration so as to enable women

[25] See A/C.3/55/3, annex.

[26] See Tampere Europeam Council, Presidency Conclusions (SN 200/99). Available on the Internet at www.europa.eu.int.

to make informed decisions and to prevent them from becoming victims of trafficking;

14. *Also encourages* Governments to intensify collaboration with non-governmental organizations to develop and implement programmes for effective counselling, training and reintegration into society of victims of trafficking and programmes that provide shelter and helplines to victims or potential victims;

15. *Calls upon* Governments to take steps to ensure that the treatment of victims of trafficking, especially women and girls, as well as all measures taken against trafficking in persons, in particular those that affect the victims of such trafficking, are applied with full respect for the human rights of those victims and are consistent with internationally recognized principles of non-discrimination, including the prohibition of racial discrimination and the availability of appropriate legal redress;

16. *Invites* Governments to take steps, including witness protection programmes, to enable women who are victims of trafficking to make complaints to the police or other authorities, as appropriate, and to be available when required by the criminal justice system, and to ensure that during this time women have access to protection and social, medical, financial and legal assistance, as appropriate;

17. *Also invites* Governments, within the legal framework and in accordance with national policies, to provide immunity to victims of trafficking, in particular women and girls, from prosecution for their illegal entry or residence, bearing in mind that they are victims of exploitation;

18. *Further invites* Governments to encourage Internet service providers to adopt or strengthen self-regulatory measures to promote the responsible use of the Internet with a view to eliminating trafficking in women and children, in particular girls;

19. *Invites* the business sector, in particular the tourism and telecommunications industries, including mass media organizations, to cooperate with Governments in eliminating trafficking in women and children, in particular girls;

20. *Stresses* the need for a global approach to eradicate trafficking in women and children and the importance, in this regard, of systematic data collection and comprehensive studies using common methodology and internationally defined indicators, which need to be developed, to make it possible to gather relevant and comparable figures, and encourages Governments to develop systematic data-collection methods using such common methodology and indicators and to update continuously information on trafficking in women and girls, including the analysis of the modus operandi of trafficking syndicates, as well as to enhance information-sharing among Governments and relevant international bodies as a way of promoting cooperation to combat trafficking in women and children;

21. *Urges* Governments to strengthen national programmes to combat trafficking in women and girls through increased bilateral, regional and international cooperation, taking into account innovative approaches and best practices, and invites Governments, United Nations bodies and organizations, intergovernmental and non-governmental organizations and the private sector to undertake

collaborative and joint research and studies on trafficking in women and girls that can serve as a basis for policy formulation or change;

22. *Invites* Governments, once again, with the support of the United Nations, and taking into account current research and materials on traumatic stress and gender-sensitive counselling techniques, to formulate training manuals for law enforcement and medical personnel and judicial officers who handle cases of trafficked women and girls, with a view to sensitizing them to the special needs of victims;

23. *Urges* Governments to provide or strengthen training for law enforcement, immigration and other relevant officials in preventing and combating trafficking in persons, including the sexual exploitation of women and girls, which should focus on methods used in preventing such trafficking, prosecuting the traffickers and protecting the rights of victims, including protecting the victims from traffickers, to ensure that the training also takes into account the need to consider human rights and child- and gender-sensitive issues, and to encourage cooperation with non-governmental organizations, other relevant organizations and other elements of civil society;

24. *Invites* States parties to the Convention on the Elimination of All Forms of Discrimination against Women,[2] the Convention on the Rights of the Child[5] and the International Covenants on Human Rights[3] to include information and statistics on trafficking in women and girls as part of their national reports to their respective committees and to work towards developing a common methodology and statistics to obtain comparable data;

25. *Requests* the Secretary-General to compile, as reference and guidance, successful interventions and strategies in addressing the various dimensions of the problem of trafficking in women and children, in particular girls, based on reports, research and other materials from within the United Nations, including the United Nations Office on Drugs and Crime, as well as from outside the United Nations, and to submit a report on the implementation of the present resolution to the General Assembly at its sixty-first session, including the identification of ways of improving the response to gaps and new challenges in the prevention of such trafficking, the protection of vulnerable groups and the prosecution of perpetrators;

26. *Also requests* the Secretary-General to include in his report to the General Assembly at its sixty-first session proposals for a future international/United Nations year against trafficking in persons, especially women and girls, with a view to protecting their dignity and human rights.